

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA,

Petitioner,

v.

Case No: 8:18-mc-83-T-36CPT

KEVIN HINES,

Respondent.

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**ORDER**

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Christopher P. Tuite [Doc. 39], regarding the United States' Renewed Motion to Hold Respondent Kevin Hines in Contempt [Doc. 37]. In its motion, the United States argues that Respondent should be held in contempt for failing to comply with various orders of the Court requiring him to comply with a subpoena and requiring him to appear at a hearing. [Doc. 37 at pp. 4-5]. In the Report and Recommendation, Magistrate Judge Tuite recommends that the Court grant the motion in-part, and set the matter for a hearing pursuant to 28 U.S.C. § 636(e), at which time Respondent must show cause why he should not be adjudged in contempt. [Doc. 39 at p. 11]. The magistrate judge also recommends that the Court direct the United States to identify, in advance of the hearing, the sanction or remedy it seeks and to provide the Court with evidence supporting such a sanction or remedy. *Id.* Additionally, the magistrate judge recommends that the Court order Respondent to produce the subpoenaed documents within fourteen days of the date of the Court's

Order and instruct the government to promptly file a notice of compliance if he complies. *Id.* at 11-12. All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed.

Upon consideration of the Report and Recommendation, and upon the Court's independent review of the issues raised therein, the Court will **ADOPT** the Report and Recommendation. Accordingly, it is now

**ORDERED AND ADJUDGED:**

1. The Report and Recommendation of the Magistrate Judge [Doc. 39] is **adopted, confirmed, and approved in all respects** and is made a part of this Order for all purposes, including appellate review.
2. The United States' Renewed Motion to Hold Respondent Kevin Hines in Contempt [Doc. 37] is **GRANTED in part** and **DENIED in part**.
3. A hearing in this matter is scheduled for **January 8, 2021 at 1:30 p.m.**, at which time Respondent shall show cause why he should not be adjudged in contempt.
4. The United States shall file a supplemental memorandum identifying the sanction or remedy it seeks by **December 28, 2020**. At the hearing, the United States shall provide the Court with evidence supporting the sanction or remedy identified in its supplemental memorandum. Such evidence may include testimony or documents addressing the character and magnitude of the harm threatened by Respondent's continued

contumacy, the probable effectiveness of any suggested sanction in bringing about Respondent's compliance, and Respondent's financial resources and the consequent seriousness of the burden to him.

5. Respondent will be given an additional opportunity to submit the previously subpoenaed documents. Respondent is directed to produce the subpoenaed documents on or before **December 31, 2020**. Thereafter, the Government shall file a notice of compliance if said documents are produced.

**DONE AND ORDERED** at Tampa, Florida on December 17, 2020.

  
Charlene Edwards Honeywell  
United States District Judge

Copies to:  
The Honorable Christopher P. Tuite  
Counsel of Record